

May 25, 1983

Hon. Reginald Stanton
Superior Court of New Jersey
228 Hall of Records
Newark, New Jersey 07102

Re: State of New Jersey Dept. of Environmental Protection
v. Scientific Chemical Processing, Inc., et al.
Docket No. L-1852-83E

Dear Judge Stanton:

I enclose the original and copy of a Certification of Dr. A. Alexander Fungaroli which I hope will be of assistance to the Court in determining the application returnable before your Honor on May 27th. I regret not being able to present it to you before now so that you would have more time to consider the contents, but the short time for responding did not permit review by Dr. Fungaroli and preparation of the Certification before today.

Yours truly,

Edward J. Egan

Hand Delivered

EJE/rq

cc: David W. Reger, Esq.
w/encl.

Paul S. Barbire, Esq.
w/encl.

345814



Edward J. Egan
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(201) 322-5924
Attorney for Defendants Inmar Associates, Inc.
and Marvin H. Mahan

STATE OF NEW JERSEY, DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Plaintiff,

VS.

SCIENTIFIC CHEMICAL PROCESSING, INC.,
et al.

Defendant s.

COMMONWEALTH OF PENNSYLVANIA)
) ss.:
COUNTY OF MONTGOMERY)

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
ESSEX COUNTY

Docket No. L-1852-83E
Civil Action

**CERTIFICATION
IN OPPOSITION TO
APPLICATION FOR
EMERGENT RELIEF**

I, A. Alexander Fungaroli, of full age, do hereby certify:

1. I am a principal in the firm of Applied Geotechnical and Environmental Service Group (AGES) which specializes in evaluation of waste sites and environmental pollution matters. I am actively involved in all phases of AGES business and have evaluated and testified on several waste disposal sites in New Jersey, Pennsylvania, Maryland, and other states. I hold a PHD in Civil Engineering from Rensselaer Polytechnic Institute, a Master of Science degree from Lehigh University, and a Bachelor of Science degree from Drexel University. I am also a registered professional engineer in several states including New Jersey. I have conducted substantial research into the behavior of solid waste disposal facilities and their liquid waste treatment for the United States Environmental Protection Agency.

2. I have been asked to review the Verified Complaint and the attachments thereto by Edward J. Egan, and I have done so.

3. A reading of those documents leads me to opinion based upon my expertise and experience that the documents do not support the conclusion that an imminent hazard exists at the Carlstadt site referred to in the Complaint.

4. I base my opinion on several factors. First, it is necessary for a scientist seeking to determine the hazard of chemical components to know the qualitative and quantitative characteristics of the substances involved. Such specific data are lacking in the papers attached to the Verified Complaint. To state that a particular chemical is hazardous without knowing the concentration is a half-statement that remains unproved and would not be the proper basis for a conclusion regarding the hazard or imminency of a hazard.

5. Second, it would appear that a substantial basis of the conclusions reached is the labelling on drums or containers. Once again, without knowing the actual contents or the concentrations of the material in the drums and containers, it cannot be said that the material is hazardous or hazardous to the degree requiring an emergency response to the situation. One other point bears note; it has been my experience that at recycling or reprocessing operations and disposal sites drums or containers may hold material other than as shown on old labels. To conclude based upon labels that the material contained therein is the substance shown on the label is inappropriate. Prudent practice would dictate that specific analyses be performed to determine the actual content.

6. Third, it is apparent that the samplings taken from the outfall pipe referred to in paragraph 45 of the Complaint were taken in 1979. Obviously, what existed in 1979 may not exist today. Also, once again, concentrations and quantities are not given nor is the sampling and testing program described, thereby causing the data and the conclusions based thereon to be suspect and of minimal weight from a scientific point of view. It is also not clear at all that the outfall in question comes from the Carlstadt property that is the subject of the suit rather than from other neighboring properties.

7. For these reasons, I am of the opinion that not enough information about the materials at the Carlstadt site is before the Court at this time to say with any degree of certainty that an imminent hazard exists at the site.

8. I hereby certify that the foregoing statements made by me are true to the best of my information and belief and am aware that if any statement I have made is willfully false, I am subject to punishment.

Dated: May 25, 1983

A. Alexander Fungaroli

File
SUPERIOR COURT OF NEW JERSEY

W. LEWIS BAMBRICK
CLERK



OFFICE OF THE CLERK
CN 971
TRENTON, N.J. 08625

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EXECUTIVE DEPT.

Date:

5-31-83

TO: EDWARD EGAN
1703 E. Second St.
Scotch Plains, N.J. 07016

RE: State of N.J. - vs - Scientific Chemical
DOCKET NO.: C-1852-83

The

Notice of Motion

☒ Answer/Appearence

in the above case was filed by this office, but you are advised that the filing fee of \$ 30.00 was not received. Please forward your check in the above amount to the Clerk of the Superior Court, Attention Finance Section, no later than ten days from this date so our records can be kept current. You are reminded that R. 1:5-6(d) provides that the attorney of record in every action shall be answerable to the Clerk for the latter's lawful fees and charges. The trial court will be promptly advised of your failure to comply with this notice.

W. Lewis Bambrick, Clerk
Superior Court of New Jersey

Filed By
Judge 5/25/83